THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10099 OF 2007

DATED 26TH JUNE, 2007

Between

S.Padma Reddy

... Petitioners

AND

The District Collector (Panchayat Raj), Ranga Reddy District, Lakdikapool at Hyderabad and others.

.... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10099 OF 2007

ORDER:

The petitioner herein is statedly owner of house site admeasuring 320 square yards marked as plot No.258-A in survey Nos.45 to 50 situated at Peerzadiguda Village and Gram Panchayat, Ghatkesar Mandal, Ranga Reddy District. The original owner of property is one Vittamraju Prabhakara Rao. It appears he obtained building permission from Peerzadiguda Gram Panchayat on 31.03.2003 but he could not construct the house. In 2005, petitioner purchased the property under registered sale deed from Prabhakara Rao and got necessary sanction for building construction. When the petitioner commenced construction, it is alleged, sixth respondent directed the petitioner to stop construction stating that the land in survey Nos.45 to 50 is within the peripheral limits of Boduppal Gram Panchayat, and therefore, Peerzadiguda Gram Panchayat could not have granted permission. Aggrieved by the same, petitioner filed instant writ petition seeking appropriate declaration and direction.

The fifth respondent, Panchayat Secretary, Peerzadiguda Gram Panchayat – filed a counter affidavit, wherein it is stated that on 03.02.2007, the petitioner obtained permission for constructing house. However, the sixth respondent issued a notice to fifth respondent alleging that the petitioner's property is in Boduppal Gram Panchayat

and requested to suspend the permission granted to the petitioner. In view of the same, petitioner was requested to stop construction until the survey is conducted. Fifth respondent, thereafter, addressed a letter to Divisional Panchayat Officer (DPO) for survey. The DPO visited the site and requested the Mandal Revenue Officer (MRO), Ghatkesar for survey. As a result of Inspection, the Mandal Surveyor, Ghatkesar visited the site and conducted survey opining that the land in survey Nos.45 to 50 is situated in Peerzadiguda Gram Panchayat.

Heard the learned counsel for petitioner and learned standing counsel for Gram Panchayats. Along with the counter affidavit, report, dated 30.04.2007, of the Mandal Surveyor, Ghatkesar, is enclosed in the counter affidavit. The same reads as under.

> In compliance with reference to the above subject cited that as per instructions of Mandal Tahasildar, Ghatkesar, I had proceeded Boduppal village along with Addl.M.R.I for attended demarcation work and identified the spot sy.No.96 and conducted survey with the help of village map copy of Tippan. After completion of the demarcation, I found that plot No.68 does not comes under Sy.No.96 in Boduppal village of Ghatkesar Mandal. But, Sy.No.96 of Boduppal village is existing Peerzadiguda Village, boundary Sy.Nos.45 to 50, so the village boundary dispute settled Survey Officer (Asst.Director of Survey and Records, R.R.Dist). Hence, it is submitted for favour of information.

The above report supports the contention of petitioner that the land in survey Nos.45 to 50 is situated at Peerzadiguda Village whereas the land in survey No.96 is situated in Boduppal and there is a boundary dispute regarding this area between two Gram Panchayats. If that be so, it is for the Assistant Director of Survey and Records, to resolve the dispute between the two Gram Panchayats. Insofar as the construction activity taken by the petitioner after obtaining permission of Peerzadiguda Gram Panchayat is concerned, there cannot be any objection. Unless and until the petitioner deviates from the building plan approved by the Gram Panchayat or takes up any other construction in contravention of the provisions of A.P.Panchayat Raj Act, 1994 or Rules made thereunder, the respondents cannot prevent the petitioner from proceeding with the construction.

The writ petition is accordingly disposed of. No costs.

(V.V.S.RAO,J)

26.06.2007.

pln